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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,005

06/11/2004

Daniel J. VanEpps, Jr.

PU03 0174US1.075

4004

24239 7590 07/30/2010

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EXAMINER

DANIELS, ANTHONY J

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

07/30/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/710,005	<b>Applicant(s)</b> VANEPPS, JR., DANIEL J.	
	<b>Examiner</b> ANTHONY J. DANIELS	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17-29 and 32-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-29 and 32-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment after final, filed 7/13/2010, has been entered and made of record. Claims 1-14, 17-29 and 32-41 are pending in the application.

2. Due to the disclosure of the Gosselin reference (US # 7,422,781) the allowability of claims 1-14 and 17 has been withdrawn. Accordingly, the finality of the Office Action dated 5/13/2010 has been withdrawn. This Office Action is Non-Final.

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: On line 4, "a lower surface an adhesive" should be: a lower surface; and an adhesive. Appropriate correction is required.

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 2 should be renumbered claim 42. The limitations of claim 2 have not been "Previously Presented" as limitations of claim 2.

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3. Claims 38-41 are objected to because of the following informalities: the preambles of these claims should recite: “A mobile terminal method as recited in claim...”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-14,17,18,22-25,27-29 and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosselin (US # 7,422,781).

As to claims **1, 2** and **22-25**, Gosselin teaches an apparatus for securing an object (Figure 3, tampering indicating device “10”), the securing apparatus comprising: a sheet having an upper surface (Figure 3, mask “70” and top film “62”) and a lower surface (Figure 3); and an adhesive applied on the lower surface of the sheet (Figure 3, adhesive layer “16”), wherein the sheet

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comprises one of an opaque or reflective film (Figure 3, opaque mask “70”; Col. 4, Lines 39-41) and may be releasably adhered to the surface of the object (Figure 7) for covering secured information (Figure 3, secured information “60”), wherein the adhesive does not substantially retain its adhesiveness upon removal from the object such that the sheet cannot substantially be re-applied once removed (Col. 4, Lines 55-62; Col. 14, Line 61 – Col. 15, Line 14). Gosselin fails to disclose that this securing or tampering device is for securing or applying on the lens of the mobile terminal. However, Gosselin does teach that this tampering device may be adhered to a variety of objects (devices such as tapes, labels stock devices, computer chips, integrated circuits, radio frequency identification tags, miniature antennae, other electronic tamper indicating devices, components and the like, col. 1, lines 55-57; col. 4, lines 4-7; and col. 12, lines 46-49). The examiner takes **Official Notice** that mobile terminals/cellular phones having a camera is well-known in the art. Since Gosselin generally teaches that the tampering device may be adhered to a variety of well-known objects including electronic metering devices (see Col. 12, Lines 46-53), it would have been obvious to one of ordinary skill in the art to adhere Gosselin’s tampering device to any well-known objects including a lens on the camera of a mobile terminal/cellular telephone for the desirable purpose of securing the camera from tampering. Clearly, when the securing device is applied on the lens for securing the lens from tampering, the securing device would inherently prevent a substantially clear image capture by the imaging device.

As to claim **3**, Gosselin teaches a securing apparatus as recited in claim 1. Although it is not stated explicitly in Gosselin, the examiner takes **Official Notice** that the concept of using a reflective surface to re-direct light is well known and expected in the art. One of ordinary skill in

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the art would have been motivated to use a reflective surface rather than an opaque one as the mask in the system of Gosselin, because reflective surfaces can be cheaper to implement and provide an effective solution to re-direct light.

As to claim **4**, Gosselin teaches a securing apparatus as recited in claim 1, wherein the sheet is selected from a film (Figure 3, top film “62”), paper, a woven fabric, or a non-woven fabric.

As to claim **5**, Gosselin teaches a securing apparatus as recited in claim 1, wherein the adhesive is a pressure-sensitive adhesive (Col. 10, Lines 7-16).

As to claim **6**, Gosselin teaches a securing apparatus as recited in claim 1, wherein the lower surface of the sheet is partially covered with adhesive (Figures 3 and 6).

As to claim **7**, Gosselin teaches a securing apparatus as recited in claim 6, wherein the partial adhesive coverage includes the periphery of the lower surface of the sheet (Figures 3 and 6).

As to claim **8**, Gosselin teaches a securing apparatus as recited in claim 6, wherein the partial adhesive coverage includes all but a portion of the lower surface of the sheet, the portion of the sheet without adhesive being adjacent to the edge of the sheet (Figures 3 and 6).

As to claim **9**, Gosselin teaches a securing apparatus as recited in claim 1, further comprising a protective backing for removably covering the lower surface of the sheet (Figure 1, release linear “18”; Col. 10, Lines 62-67).

As to claim **10**, Gosselin teaches a securing apparatus as recited in claim 1, further comprising indicia on the upper surface (Col. 12, Lines 62-66).

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As to claim **11**, Gosselin teaches a securing apparatus as recited in claim 10, wherein the indicia comprise characteristic symbols (Col. 12, Lines 62-66).

As to claim **12**, Gosselin teaches a securing apparatus as recited in claim 10, wherein the indicia comprise alphanumeric characters (Col. 12, Lines 62-66).

As to claim **13**, Gosselin teaches a securing apparatus as recited in claim 10, wherein the indicia are machine-readable (Col. 12, Lines 62-66).

As to claim **14**, Gosselin teaches a securing apparatus as recited in claim 13. Although it is not stated explicitly in Gosselin, the examiner takes **Official Notice** that the concept of providing a latent retroreflective image on the top surfaces of tampering sheets is well known and expected in the art. One of ordinary skill in the art would have been motivated to provide a retroreflective image on the tampering sheet of Gosselin, because this would allow for clearly visible warning symbols to be displayed to a potential tamperer, thereby acting to stave off intended tampering.

As to claim **17**, Gosselin teaches a securing apparatus as recited in claim 1, wherein the sheet is altered upon removal and wherein the alteration of the sheet includes irreversible destruction of the sheet upon removal (Col. 10, Lines 8-16, "...the film will fracture...").

As to claim **18**, Gosselin teaches a securing apparatus as recited in claim 17, wherein the sheet is formed from an easily tearable material (Figure 3, top film "62"; Col. 10, Lines 8-16).

As to claims **27-29** and **32**, the limitations of claims 27-29 and 32 can be found in claims 9-11 and 17, respectively. Therefore, claims 27-29 and 32 are analyzed and rejected as previously discussed with respect to claims 9-11 and 17, respectively.

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As to claim **33**, Gosselin teaches a mobile terminal as recited in claim 22, wherein the adhesive is a pressure-sensitive adhesive for producing a bond between the sheet and the housing of the mobile terminal or the lens (see Gosselin, Figures 3 and 4; Col. 10, Lines 7-16).

As to claims **34** and **38**, claims 34 and 38 are methods claims corresponding to apparatus claims 1 and 18, respectively. Therefore, claims 34 and 38 are analyzed and rejected as previously discussed with respect to claims 1 and 18, respectively.

As to claim **35**, Gosselin teaches a securing method for a mobile terminal as recited in claim 34, further comprising the steps of providing a protective backing for removably covering the lower surface of the sheet, and removing the backing prior to the releasably adhering step (Figure 1, release linear “18”; Col. 10, Lines 62-67).

As to claim **36**, Dobashi, as modified by Gosselin, teaches a securing method for a mobile terminal as recited in claim 34, wherein the releasably adhering step comprises adhesively attaching the sheet to the lens (see the Official Notice statement of claim 1).

As to claim **37**, Dobashi, as modified by Gosselin, teaches a securing method for a mobile terminal as recited in claim 34, wherein the releasably adhering step comprises adhesively attaching the sheet to the housing (see the Official Notice statement of claim 1; *{Since the lens is included with the housing, any portion of the sheet that is placed on the lens would be inherently placed on the housing.}*).

2. Claims 19-21 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosselin (US # 7,422,781) in view of Otten et al. (US # 6,544,615).



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As to claim **19**, Gosselin teaches a securing apparatus as recited in claim 17. The claim differs from Gosselin in that it requires that upon removal of the sheet from the mobile terminal housing or lens, a portion of the sheet will tear from the remainder of the sheet and the portion will remain adhered to the mobile terminal or lens.

In the same field of endeavor, Otten et al. teaches a security label (Figure 2) having a film layer (Figure 3, film “10”) and release layer (Figure 3, release layer “15”). When the label is tampered with or removed, the film layer is peeled off while the release layer, having characters thereon, stays adhered to the object being secured (Figure 3). In light of the teaching of Otten et al., it would have been obvious to one of ordinary skill in the art to include this feature of Otten et al. in the device of Gosselin, because an artisan of ordinary skill in the art would recognize that this would provide clear proof that the object has been tapered with.

As to claim **20**, Gosselin, as modified by Otten et al., teaches a securing apparatus as recited in claim 19, wherein the portion of the sheet adhered to the mobile terminal or lens comprises indicia (see Otten et al., Figure 3, OPENED).

As to claim **21**, Gosselin as modified by Otten et al., teaches a securing apparatus as recited in claim 20, wherein the indicia comprises alphanumeric characters (see Otten et al., Figure 3, OPENED).

As to claims **39-41**, the limitations of claims 39-41 can be found in claims 19-21, respectively. Therefore, claims 39-41 are analyzed and rejected as previously discussed with respect to claims 19-21, respectively.

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3. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gosselin (US # 7,422,781) in view of the Japanese Publication of Koshu (JP 2003-345255 A).

As to claim **26**, Gosselin teaches a mobile terminal as recited in claim 22. The claim differs from Gosselin in that it requires that the adhesive has a greater affinity for the sheet than for the surface of the mobile terminal or lens to which it is to be applied.

In the same field of endeavor, Koshu teaches a falsification preventive label having an adhesive layer for sticking the label onto an adherent. When the label is peeled, the adhesive layer sticks to the sheet and not the object (Drawings 1 and 2). In light of the teaching of Koshu, it would have been obvious to one of ordinary skill in the art to have the adhesive stay with the top film of Gosselin, because an artisan of ordinary skill in the art would recognize that this would prevent a tacky adhesive from remaining on the adherent object (see Koshu, Abstract: Problem to be Solved).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. DANIELS whose telephone number is (571)272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sinh Tran/  
Supervisory Patent Examiner, Art Unit  
2622

AD  
7/27/2010